

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2212 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
07/12/2004 in WP NO : 20783 OF 2004 on the file of the High Court.)

Between:

D.V.S. Bullebbai, S/o. Ammi Raju, aged 34 years, Osccupation: Ex.Conductor,
E.No.361548, R/o. Falt No.B-1, Bharathi Bhavan Apartments, Near Saibaba
Temple,Vijayawada, Krishna District –

520 008.

APPELLANT

AND

- 1 APSRTC, Musheerabad, Hyderabad, rep. by its Managing Director.
- 2 The Depot Manager, APSRTC, GVPT-I Bus Depot, Governorpet,
Vijayawada, Krishna District.

RESPONDENTS

Counsel for the Appellant :MR.V.NARASIMHA GOUD

**Counsel for the Respondent No.: MR.R.MANMADHA REDDY (SC FOR
APSRTC)**

The Court made the following:

JUDGMENT : (Per Honorable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the appellant herein aggrieved by the order in W.P. No: 20783 of 2004, under which the learned single Judge disposed of the said writ petition.

The appellant herein is the petitioner. While the writ petitioner was conducting the bus on 31-5-2004 a check was effected and one passenger was found without ticket and therefore, a memo was issued to him for which the writ petitioner offered his explanation and subsequently, he was served with another memo alleging that he has not issued a ticket to the passenger, so that he tried to swallow the fare, for which also, he offered an explanation. Having not satisfied with the explanation, an enquiry was conducted and thereupon, a show cause notice was issued to him and impugned proceedings have been passed removing him from service. Challenging the same, the writ petition is filed by the writ petitioner. The learned single Judge having observed that since the jurisdiction of the disciplinary authority is not under challenge, directed the writ petitioner to file an appeal before the statutory authority i.e., Divisional Manager and the appellate authority shall take into consideration the quantum of punishment, to be imposed, basing on the alleged misconduct. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioner-appellant herein.

Heard the learned counsel.

It is contended by the learned counsel for the writ petitioner that no purpose would be served by preferring an appeal before the authorities and therefore, the case of the petitioner may be considered in this appeal.

We have perused the order impugned and the entire material available on record.

In the facts and circumstances of the case and in view of the statutory provision, without expressing any opinion on the merits of the case, We modify the order of the learned single Judge as indicated below:

“Liberty is granted to the writ petitioner to approach the appropriate authority for the relief as entitled to him under law, within a period of two (2) Weeks from today.”

Subject to the above modification, the writ appeal is disposed of. No costs.

Justice T.Meena Kumari

Date : 19th January, 2005

Justice S.Ananda Reddy

Dvs/Gurc.

Copies to :

- 1 The Managing Director. APSRTC, Musheerabad, Hyderabad,
- 2 The Depot Manager, APSRTC, GVPT-I Bus Depot, Governorpet,
Vijayawada, Krishna District.
- 3 Two CD copies.

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. No. 2212 of 2004

(Judgment delivered by the Honourable

Smt.Justice T. Meena Kumari)

19th January, 2005